

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13487 of 2024

Arising Out of PS. Case No.-433 Year-2023 Thana- KHAJEKALA District- Patna

Kisan Kumar @ Jai Kishan @ Jai Kishan kumar Son of Satya Narayan
Sharma Resident of Mohalla- Mirgulabi Bagh, P.S.- Khajekalan ,District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-04-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Khajekala P.S. Case No. 433 of 2023, lodged on 05.10.2023
under Section 376 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against the sole petitioner. The allegation against the
present petitioner is that he has committed rape with the
informant's daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the criminal antecedent of the petitioner is
clean and he is in custody since 05.10.2023. Counsel further
submits that the informant and the petitioner are relative and due



to jealous, this case has been lodged.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that *vide* order dated 05.03.2024, case diary as well as statement under section 164 Cr.P.C. has been called for.

6. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is the relative of the informant and taking benefit of that, he has committed rape with the lady who is mentally retarded.

7. Upon perusal of statement under section 164 Cr.P.C., it transpires to this Court that the allegation of rape against the present petitioner is correct and therefore, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Khajekala P.S. Case No. 433 of 2023, pending before the learned Judicial Magistrate 1st Class, Patna City is **hereby rejected**.

(Dr. Anshuman, J.)

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